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*Designated Local Counsel
For Physical Service of Papers*

Attorneys for Plaintiff United States of America, for the use
and benefit of MACO Construction Services, Inc.;
and MACO Construction Services, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA
FOR THE USE AND BENEFIT OF
MACO CONSTRUCTION
SERVICES, INC., an Arizona
corporation,

Plaintiff,

v.

PENICK NORDIC JV,
a California joint venture; and
WESTERN SURETY COMPANY,
a South Dakota corporation.

Defendants.

CASE NO: 2:17-cv-02165-APG-VCF

STIPULATION TO EXTEND TIME TO
RESPOND TO INITIAL COMPLAINT
BY NOT MORE THAN 30 DAYS

Assigned to:
Hon. Andrew P. Gordon
Hon. Cam Ferenbach

Complaint File: August 11, 2017
Trial Date: Not Set

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STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL COMPLAINT BY NOT
MORE THAN 30 DAYS

1 Plaintiff MACO CONSTRUCTION SERVICES, INC. ("MACO") and
2 Defendants PENICK NORDIC JV ("PNJV") and WESTERN SURETY
3 COMPANY ("Western") hereby stipulate, by and through their respective
4 attorneys of record, as follows:

- 5 1. MACO filed this action on August 11, 2017, alleging breach of
6 contract, recovery on Miller Act payment bond, and related claims
7 against Penick and Western.
- 8 2. PNJV and Western have requested an extension of their responsive
9 pleading deadlines as a professional courtesy.
- 10 3. Based on the foregoing, the parties have agreed to extend PNJV and
11 Western's time to respond to the Complaint to September 22, 2017.

12 SO STIPULATED.

13 DATED: September 21, 2017

Respectfully submitted,

14 THE LAW OFFICE OF HAYES &
15 WELSH

16
17 By: /s/Martin L. Welsh
18 MARTIN L. WELSH
19 Attorneys for Defendants T.B. Penick &
Sons, Inc. and Western Surety Company
Email: mwelsh@lvlaw.com

20 DATED: September 21, 2017

Respectfully submitted,

21 FINCH, THORNTON & BAIRD, LLP

22
23 By: /s/David W. Smiley
24 DAVID W. SMILEY
25 Attorneys for Plaintiff United States of
26 America for the use and benefit of MACO
27 Construction Services, Inc. and MACO
28 Construction Services, Inc.
Email: dsmiley@ftblaw.com

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA
FOR THE USE AND BENEFIT OF
MACO CONSTRUCTION
SERVICES, INC., an Arizona
corporation,

Plaintiff,

v.

PENICK NORDIC JV,
a California joint venture; and
WESTERN SURETY COMPANY,
a South Dakota corporation.

Defendants.

CASE NO: 2:17-cv-02165-APG-VCF

ORDER GRANTING STIPULATION
TO EXTEND TIME TO RESPOND TO
INITIAL COMPLAINT BY NOT
MORE THAN 30 DAYS

Assigned to:
Hon. Andrew P. Gordon
Hon. Cam Ferenbach

Complaint File: August 11, 2017
Trial Date: Not Set

The parties' stipulation for an extension is granted.

It is therefore ORDERED that defendants' deadline to answer plaintiff's
complaint is extended up to and including September 22, 2017.

IT IS SO ORDERED.

DATED: October 6, 2017



UNITED STATES MAGISTRATE JUDGE

2105.004/3BW3734.asc

ORDER GRANTING STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL
COMPLAINT BY NOT MORE THAN 30 DAYS

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and benefit of MACO Construction Services, Inc.;
and MACO Construction Services, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA
FOR THE USE AND BENEFIT OF
MACO CONSTRUCTION
SERVICES, INC., an Arizona
corporation,

Plaintiff,

v.

PENICK NORDIC JV,
a California joint venture; and
WESTERN SURETY COMPANY,
a South Dakota corporation,

Defendants.

CASE NO: 2:17-cv-02165-APG-VCF

PROOF OF SERVICE BY MAIL

Assigned to:
Hon. Andrew P. Gordon
Hon. Cam Ferenbach

Complaint Filed: August 11, 2017
Trial Date: Not Set

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1 I, Stacy M. Torres, declare that:

2 I am over the age of eighteen years and not a party to the action; I am
3 employed in the County of San Diego, California, where the mailing occurred;
4 and my business address is 4747 Executive Drive, Suite 700, San Diego,
5 California 92121-3107. I further declare that I am readily familiar with the
6 business' practice for collection and processing of correspondence for mailing
7 with the United States Postal Service pursuant to which practice the
8 correspondence will be deposited with the United States Postal Service this same
9 day in the ordinary course of business. I caused to be served the following
10 document(s): (1) STIPULATION TO EXTEND TIME TO RESPOND TO
11 INITIAL COMPLAINT BY NOT MORE THAN 30 DAYS; and (2) ORDER
12 GRANTING STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL
13 COMPLAINT BY NOT MORE THAN 30 DAYS, by placing a copy thereof in a
14 separate envelope for each addressee listed as follows:

15 Martin L. Welsh, Esq.
16 The Law Office of Hayes & Welsh
199 N. Arroyo Grande Blvd., Suite 200
Henderson, Nevada 89074
17 Telephone: (702) 434-3444
18 Facsimile: (702) 434-3739
Email: mwelsh@lvlaw.com

ATTORNEY FOR DEFENDANTS
T.B. PENICK & SONS, INC. AND
WESTERN SURETY COMPANY

19 I then sealed the envelope(s) and, with the postage thereon fully prepaid,
20 either deposited it/each in the United States Postal Service or placed it/each for
21 collection and mailing on September 21, 2017, at San Diego, California,
22 following ordinary business practices.

23 I declare under penalty of perjury under the laws of the State of California
24 and the United States that the foregoing is true and correct.

25 Executed on September 21, 2017.

26 
27 Stacy M. Torres

28 2105.004/POS.smt